

REMARKS/ARGUMENTS

In response to the Office Action dated March 17, 2005, claims 2-5, 8 and 9 are amended, and claim 1 is canceled. Claims 2-14 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-11, 13 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In support of this position, the Examiner identifies phrases that lack clear antecedent basis.

The rejection is moot as to cancelled claim 1 and the phrases “the result” and “the second” cannot be found in claims 13 and 14, as the Examiner contends.

With respect to independent claims 2 and 8, the Examiner contends that there is insufficient antecedent basis for “the other image”. However, such assertion is incorrect.

The last portion of independent claim 2 recites:

...estimating the object area in one image in accordance with the object area extracted from *another image* and the shoot condition data of *the other image*.

The last portion of independent claim 8 recites:

...an estimating portion for estimating the object area in one image in accordance with the object area extracted from *another image* and the shoot condition data of the *other image*.

Similar language is found in claims 13 and 14.

The bold italic language *another image* provides proper antecedent support for the subsequent reciting of *the other image*. More specifically, a person reasonably skilled in the

English language would understand that *another image* could be written *an other image*, given that *another* is merely a contraction of *an other*. Thus, claims 2 and 8 have proper antecedent support for *the other image*. Consequently, it is respectfully urged that the rejection of independent claims 2 and 8, as well as of dependent claims 3-7 and 9-11, under 35 U.S.C. § 112, second paragraph, be withdrawn.

The indication that claims 13 and 14 would be allowable if rewritten or amended to address noted indefiniteness and that claims 3-5 and 9 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims and to address noted indefiniteness is acknowledged and appreciated.

To expedite prosecution, and in view of the comments with respect to the noted indefiniteness as to claims 2 and 8, claims 3-5 and 9 are amended to be in independent form including all the limitations of the base claim and any intervening claims. Consequently, amended claims 3-5 and 9, as well as independent claims 13 and 14, are believed to be allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1, 2, 6-8 and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshiaki (JP 61-138377) in view of Kazuhiro (UP 01-175076).

The rejection is moot as to cancelled claim 1.

To expedite prosecution, independent claim 2 is amended to recite, *inter alia*:

...obtaining shoot condition data indicating the positional relationship between a camera and the object and an optical parameter concerning image formation when previously obtaining the images so as to extract the object area for each of the images sequentially and refer to the result of the extraction that is performed previously when performing the extraction about a second and subsequent images; and

estimating the object area in the second and subsequent one images in accordance with the object area extracted from a previous image and the shoot condition data of the previous image.

In addition, independent claim 8 is amended to recite, *inter alia*:

an obtaining portion for obtaining shoot condition data indicating the positional relationship between a camera and the object and an optical parameter concerning image formation when previously obtaining the images so as to extract the object area for each of the images sequentially and refer to the result of the extraction that is performed previously when performing the extraction about a second and subsequent images; and

an estimating portion for estimating the object area in the second and subsequent images in accordance with the object area extracted from another image and the shoot condition data of the other image.

Differences from Yoshiaki and Kazuhiro

According to the invention recited in claims 2 and 8, the extraction process time can be shortened because the range of the extraction target can be narrowed by extracting an object area of images from each of the images sequentially and reflecting the result of the area extraction that is performed previously when the area extraction of the second and subsequent images is performed.

In contrast, Yoshiaki describes only the area extraction that is performed independently without considering the relationship between each image and the others. Therefore, a total time necessary for extracting an area for plural images becomes longer.

In addition, Kazuhiro is aimed at performing image processing for clipping and extracting natural images efficiently. When it is intended that a human body is clipped and extracted from a natural image, the including line is inputted by being pointed to surround the human. The including line is, for example, inputted by movement of cross-shaped mouse

pointer. Further, extracting a human accurately is described by using a quantization technique of color. Kazuhiro, however, fails to disclose the steps as follows.

① Shooting an object from different eye points so as to obtain a plurality of images and extracting a three-dimensional object area that is a portion corresponding to the object from the images

② Extracting an object area from each of the images sequentially and referring the result of the extraction that is performed previously when performing the extraction about the second and subsequent images.

Needless to say, Kazuhiro fails to disclose obtaining shoot condition data indicating the positional relationship between a camera and the object and an optical parameter concerning image formation when previously obtaining images, and estimating the object area in the second and subsequent images in accordance with the object area extracted from the previous image and the shoot condition data of the previous image.

Therefore, even if Yoshiaki and Kazuhiro are considered alone or in combination, the characteristic structure of the inventions recited in amended independent claims 2 and 8 do not result. Thus, amended independent claims 2 and 8 are patentable over Yoshiaki and Kazuhiro, as are claims 6 and 7, depending from amended independent claim 2 and claims 10 and 11 depending from amended independent claim 8

Furthermore, as the content of independent claim 12 is same as that of allowable independent claim 13, independent claim 12 is believed to be allowable also.

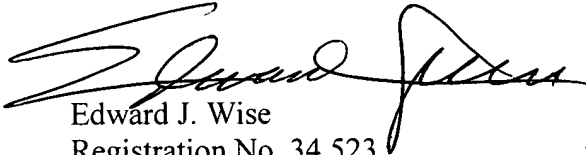
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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